

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

WAYNE EVAN KOOISTRA,

Defendant.

8:05CR81

ORDER

This matter is before the court on the motion for an extension of time by Wayne Evan Kooistra (Filing No. 29). Defendant seeks an extension of time until January 4, 2006, in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 18). Defendant has filed an affidavit in accordance with paragraph 9 of the progression order whereby defendant consents to the motion and acknowledges that he understands that the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 30). Defense counsel represents to the court that counsel for the government has no objection to the extension. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Wayne Evan Kooistra's motion for an extension of time (Filing No. 29) is granted. Defendant Kooistra is given until **on or before January 4, 2006**, in which to file pretrial motions pursuant to the progression order (Filing No. 18). The ends of justice have been served by granting such motion, and outweigh the interests of the public and the defendant in a speedy trial, and the additional **time** arising as a result of the granting of the motion, i.e., the time between **November 4, 2005 and January 4, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act, for the reason that defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case, and the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 4th day of November, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge